

SENATE BILL 964

By McNally

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 211, Part 8, relative to waste tires.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-211-867, is amended by deleting the section in its entirety and substituting the following:

(a) The department of environment and conservation is directed to develop a program to manage the waste tire program for most beneficial end use. The determination of most beneficial end use includes those processes that keep funds derived from waste tire revenues in the state of Tennessee, create jobs in the state of Tennessee, reduce carbon emissions and landfill use, reduce dependency on foreign oil and other substances, and reduce the financial burden on local governments.

(b) For the purposes of this section, "most beneficial end use" includes the processes selected from the following that result in the best value for the state of Tennessee:

- (1) Cement manufacturing;
- (2) Burning of tire-derived fuel in contained industrial boilers for the capture of energy;
- (3) Production of tire-derived fuel, provided the department approves the planned use of the processed tire material;
- (4) The crumbling or pyrolysis of tire material, provided the processor provides for the planned use of the processed tire material under such requirements established by the department; or

(5) Any use otherwise deemed appropriate by the department and for which either the board has promulgated rules or the department has developed and published policies; provided, however, this section shall not be construed to require or mandate the use of products or materials resulting from waste tires. The board shall not promulgate any rules, and the department shall not establish any policies mandating the use of products or materials resulting from waste tires. It is the specific intent of the general assembly that any use of products resulting from the waste tire program is entirely voluntary on the part of the end user.

(c)

(1) From funds available from the solid waste management fund, the department shall contract for the services of a mobile tire shredder to operate throughout the state as waste tire disposal needs may require. If the department contracts for the services of a shredder with a county or municipality, such local government may receive a rebate on the state surcharge paid in its locality on the tipping fee authorized by this part for the budget allocation for a shredder.

(2) The department is authorized to use funds available from the solid waste management fund to contract directly with an approved most beneficial end user or its designated agent for recycling of waste tires. Each most beneficial end user or agent awarded such a contract shall demonstrate to the department's satisfaction the ability to provide collection, management, and transportation to its facility of all eligible and available waste tires generated within the area or county specified by the department. Any such contract shall be subject to approval by the county legislative body of each county in whose territory the contract shall be operative. Any such contract shall also require an appropriate performance bond from any entity producing tire-derived fuel or crumbling or

pyrolysis of tire material to ensure proper storage, transportation, and ultimate sale or disposal of such materials.

(3) From funds available from the solid waste management fund, the department may provide grants to assist counties in locating, collecting, and appropriately disposing of waste tires. Any county receiving a grant under this subdivision (c)(3) after July 1, 2000, shall not assess a tipping fee on the waste tires received at a county waste tire collection site so long as the amount of the grant covers the cost of the county's waste tire management program.

(4) Any county or entity requesting or applying for a grant or entering a contract with the department shall submit, prior to being approved for a grant or contract, a workplan and budget to reflect the expenditures of the grant or contract. The grants or contracts are to fulfill the objective of recycling waste tires and to assure that all expenditures of the contracts, grants, or any additional local tipping fees are not exceeding the cost of the county's waste tire management program.

(d)

(1) A landfill shall not accept whole, unshredded waste tires for disposal. Landfill operators shall segregate whole, unshredded waste tires at landfills and provide a temporary storage area for such tires until transported to an appropriate facility to be used for an approved most beneficial end use as defined in this section, or the tires are shredded and disposed of pursuant to subdivision (d)(2) and regulations promulgated by the board.

(2) A county may not dispose of shredded waste tires in a landfill after July 1, 2002, if the county's net cost for shredding, transporting, and disposing of waste tires exceeds the cost of an available most beneficial end use. Nothing in

this subsection (d) shall prohibit a county from electing to participate in a most beneficial end use for waste tires at a cost that exceeds the county's net cost for shredding, transporting, and disposing of waste tires in a landfill.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.